IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 25718 of 2005

Between:

Nimmala Vasudeva Rao

..... PETITIONER

AND

The Revenue Divisional Officer,

Narsaraopet, Guntur District and another

.....RESPONDENTS

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The petitioner questions the impugned order dated 25.11.2005 issued by the 2nd respondent, in straight away making alternative arrangements by keeping another dealer one D.V.Prasadarao, 24th circle as additional charge of the petitioner fair price shop, without suspending or cancelling the authorization of the petitioner.

The impugned proceedings goes to show that the Station House Officer, Chilakaluripet Town P.S. registered a case in Cr.No.330/2005 against the petitioner for the offence punishable under Section 324 and 509 of I.P.C., and therefore, the 2nd respondent has submitted a report to the 1st respondent to initiate disciplinary action against the petitioner. The impugned proceedings further goes to show that the 1st respondent has not passed any orders either suspending the authorization of the petitioner or initiating any disciplinary action against the petitioner.

No doubt the authorization of the petitioner is liable to be suspended or cancelled for his involvement in a criminal case as condition 3(5) of the Annexure of the Andhra Pradesh Public Distribution System (Control) Order, 2001 by the appointing authority. Admittedly, the appointing authority i.e. the 1st respondent has not initiated any disciplinary action against the petitioner, and even before suspending the authorization of the petitioner, the question of making alternative arrangements by putting the petitioner fair price shop in additional charge of another dealer does not arise.

In that view of the matter, the impugned order dated 25.11.2005 is set aside, keeping it open for the 1st respondent to take appropriate disciplinary action against the petitioner for his involvement in a criminal case, in accordance with law.

With the above observations, the Writ Petition is allowed. No order as to costs.

V.ESWARAIAH,J

Dated: 02.12.2005

Dsr